



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

December 23, 2004

Mr. Steve Mack
Water Supply Manager
City of Santa Barbara, Public Works Department
P.O. Box 1990
Santa Barbara, CA 93102-1990

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT; COMMENTS ON THE CITY OF SANTA BARBARA STORM WATER MANAGEMENT PLAN; SANTA BARBARA COUNTY: WDID# 3 42MS03023

Dear Mr. Mack:

Regional Board staff has reviewed the City of Santa Barbara Storm Water Management Plan (SWMP), dated July 22, 2003. The purpose of the SWMP is to comply with requirements in the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit). In general, Regional Board staff is pleased with the efforts that the City of Santa Barbara has proposed to comply with the General Permit. With the goal of improving the SWMP so that it fulfills General Permit requirements, Regional Board staff provides the following written comments and request for additional information.

Many of the same concerns are found in various sections throughout the SWMP. We have described these types of concerns as "Overall Concerns", and have provided examples from the SWMP. Please address the "Overall Concerns" in all instances that apply in your SWMP. Additionally, we have identified "Specific Concerns", which you will find described after the "Overall Concerns" segment of this letter. In many cases, Regional Board staff attempted to offer assistance by pointing out page numbers in the SWMP where concerns were noted. This guidance should not be considered comprehensive, as the City of Santa Barbara is responsible for drafting a SWMP that satisfies the requirements of the General Permit.

Overall Concerns

Overall Concern #1:

The SWMP does not adequately identify types of pollutants that are found in Santa Barbara water bodies that result from urban sources. This section is very important, because it leads to the selection of Best Management Practices (BMPs) that will address the particular sources of pollutants. Pollutants of concern (POC) are specific constituents that are relatively more prevalent in runoff or are causing or threatening to cause impairment in the receiving water. If the region's POC are not first correctly identified, then it will be difficult to improve water quality to the Maximum Extent Practicable (MEP).

Please include additional background information and a list of references, possibly in an appendix, that further describe the past monitoring results that have identified pollutants and the potential sources of these pollutants in the City of Santa Barbara. On July 25, 2003, the United States Environmental

California Environmental Protection Agency



Recycled Paper

Protection Agency (EPA) gave final approval to California's 2002 Section 303(d) List of Water Quality Limited Segments. Impaired water bodies on the updated list that are affected by the City include pathogens in Arroyo Burro Creek, Mission Creek, the Pacific Ocean at Arroyo Burro Beach and East Beach, and Goleta Slough for metals, pathogens, priority organics, and sedimentation/siltation. The website below includes these, and other, updated listings for impaired water bodies.

<http://www.swrcb.ca.gov/tmdl/docs/2002reg3303dlist.pdf>

Please ensure that these impaired water bodies are specifically addressed in the revised SWMP.

The SWMP does not describe the direct link between particular proposed BMPs and the pollutant sources that the BMPs are attempting to address. As described above, bacteria is a POC in water bodies of the South Coast and BMPs should be implemented to target this pollutant. For example, because Santa Barbara discharges to water bodies impaired for pathogens, the City should develop outreach programs that focus on pathogens. In addition to specific BMPs that fall under the public education and outreach Minimum Control Measure (MCM), the SWMP should identify specific BMPs in the illicit discharge detection and elimination MCM to address sources of pathogens in Santa Barbara.

The Total Maximum Daily Load (TMDL) program establishes numeric thresholds for water pollutants and assigns proportional responsibility for controlling the pollutants. Although no TMDLs are currently established for the above impaired water bodies in the City, TMDLs are in various stages of development. Regional Board staff recommends that the SWMP recognize the above impairments, and that the City consider prioritizing these issues to the extent that potential storm water pollutant sources are within the City's jurisdiction. Upon the Regional Board's adoption of TMDLs for the above water bodies, staff will convey the TMDL implementation requirements to the City and require revision of the SWMP as appropriate. In the revised SWMP, please acknowledge that adoption of TMDL requirements may require revisions of the City's SWMP.

Overall Concern #2:

Full implementation of all 6 MCMs to MEP by the end of the General Permit term is not clearly conveyed by some of the "Measurable Goals in the SWMP." The BMPs and Measurable Goals should be distributed throughout the five-year permitting period and Measurable goals should be quantitative and measure progress through the development, implementation, and evaluation of each BMP.

The General Permit requires "An assessment of the appropriateness and effectiveness of the identified BMPs" (General Permit Section F.1.b). The General Permit requires that six Minimum Control Measures must be addressed in the SWMP through selection and implementation of BMPs that should be described by specific Measurable Goals. The purpose of the measurements in the Measurable Goals is to demonstrate, over the five-year life of the permit, the BMPs' effectiveness in reducing pollutants (General Permit Section D). This cannot be accomplished if, 1) priority pollutants specific to the region have not been identified, 2) the initial level of the pollutants is unknown, 3) if a measurement is taken only once in the life of the permit, and 4) if the bulk of the measurements are not linked to pollutant levels.

Although we acknowledge that certain Measurable Goals, like the act of adopting an ordinance, may be a one time Measurable Goal, many of the Measurable Goals should have continuous measurements over the life of the permit, and should in some way determine effectiveness in reducing pollutants. We acknowledge, that some BMPs (such as public education) may not have a direct correlation with pollutants, however all BMPs should have at least an indirect effect. An indirect BMP may have a cumulative, positive effect on water quality, which should be documented through the Measurable Goal. Wherever a Measurable Goal lends itself to quantification (e.g., percent of households covered, number of flyers distributed, etc.), the SWMP should emphasize those characteristics to facilitate a BMP's



progressive implementation. For example, the SWMP may quantify the number of schools per year covered by outreach efforts, and indicate the targeted grade levels for each year. Whenever possible, Regional Board staff suggests specifying the month and year of implementation in SWMP tables and text.

Please review the SWMP and revise the Measurable Goals to include methods that will determine the effectiveness of the BMPs over the life of the permit and include Measurable Goals that quantify the percentage of the target group that will be reached by various Education and/or Public Outreach BMPs. Throughout the SWMP, indefinite and vague terms such as "evaluate", "implement", "intends", "as needed", "responsible", "participate", "conduct" etc should be replaced with language reasonably asserting the City's intent as specifically and quantitatively as possible.

In many sections, the City's SWMP does not contain Measurable Goals, because entries identified as Measurable Goals in the tables are actually BMPs. Many of the City's Measurable Goals describe the implementation of a method without indicating how development, implementation, and performance will be measured. In the revised SWMP, please establish incremental Measurable Goals and implementation schedules to determine progress over the life of each BMP.

For example, the following Measurable Goal is described on page 7 of the SWMP, "Implement education programs as discussed above in Year 1-2." More appropriate Measurable Goals for the education BMP could include giving a certain percentage of the target group that would receive brochures/posters, or attend trainings on a yearly basis.

A SWMP might list distribution of storm water education materials as a BMP, with the sole Measurable Goal of distributing handouts, and an implementation schedule for the second and fourth years of the program. However, this does not provide sufficient information. The following text describes the BMP with appropriate level of detail:

Measurable goals for the 'Storm Water Education Handouts' BMP and associated completion dates are presented below:

- Evaluate existing educational materials currently in use and available to the City. - April 2004.
- Develop at least three new handouts addressing high oil and grease concentrations through education about illegal dumping of used motor oil and appropriate disposal options. - June 2004.
- Propose budget and flier content to [local government] for approval. - August 2004
- Distribute 500 of each new flier to the public by mail. - September 2004
- Evaluate BMP effectiveness through a telephone survey of 500 residents and 100 businesses to determine whether or not there has been a change in behavior and/or awareness, and if U.S. Postal Service was an effective means of reaching target audience. - April 2005
- Reevaluate and revise BMP in accordance with evaluation. - June 2005
- Distribute 1000 of each revised fliers to the public by mail and at public events. - September 2006
- [Etc....]

Regional Board staff also suggests that the SWMP include summary tables listing all BMPs, associated Measurable Goals, and an implementation timetable (stating the month and year for each scheduled action, milestone, and/or action frequency throughout years one through five). The following BMP Summary table exemplifies presentation of this BMP with the appropriate level of detail and clear measurements:



BMP 1.1 – Storm Water Education Materials

(Contact: Matt Matthews 831-888-8888 mmatthews@city.com)

Goals	Date of Completion	Measurement
Evaluate existing educational materials	April 2004	Whether or not evaluated
Develop at least three new fliers addressing high oil and grease concentrations.	June 2004	Number of new educational materials
Propose to [local government] for approval	August 2004	Whether or not proposed and approved
Distribute 1500 fliers (500 of each design) to public by mail.	September 2004	Number of fliers distributed
Evaluate BMP effectiveness through a telephone survey.	April 2005	Number and percent of participants indicating increase in public education and water quality improvement
Revise BMP in accordance with evaluation	June 2005	Whether or not revised, and number/type of revisions
Redistribute 3000 revised fliers (1000 of each design)	September 2006	Number of revised fliers distributed
[Etc...]		

Overall Concern #3:

Regional Board staff is concerned that the draft SWMP does not take into account items that the City is working on to improve storm water quality. The omission of some of these items may not allow the City SWMP to achieve MEP standards. Because some of the programs are absent, the SWMP does not adequately call out the pollutant sources, address the pollutant sources through the implementation of BMPs, and measure the progress of the BMPs effect on the pollutant sources. Regional Board staff will not accept a SWMP that does not achieve MEP standards.

Please include summaries of the following activities in the revised SWMP:

- Watershed planning and restoration efforts that involve the City
- Treatment control BMPs that the City has implemented and plans on implementing such as CDS units, filters and ultraviolet treatment devices
- Monitoring the City will do to assess water quality

Overall Concern #4:

The contact person has been identified on the Notice of Intent for the City of Santa Barbara as Steve Mack and the signatory Certification of the SWMP is Anthony Nisich. The SWMP must identify the person or persons who will implement or coordinate each MCM (General Permit Section D.4). There are no individuals listed as being responsible for the various MCMs. Is it presumed that Anthony Nisich or Steve Mack is the person who will coordinate and be responsible for each MCM? Although the SWMP includes text that states responsible departments, it provides no contact information such as name, phone number, or email address. Each section of the SWMP should include the contact information for the individual responsible for implementing each minimum control measure. This information should be included in the text of each MCM and BMP summary tables of the revised SWMP. Additionally, the SWMP does not list the co-permittees and is missing signatures. Please ensure to include the co-permittees with signatures in the revised SWMP.



Specific Concerns**Regulatory Framework (pages 1-3)**

Page 1 of the SWMP states,

"This program covers the incorporated area of the City, excluding City facilities with existing NPDES Permits, which include the Airport and Waterfront Departments, El Estero Wastewater Treatment Plant and Cater Water Treatment Plant."

Facilities subject to Industrial Storm Water Permits are not automatically excluded from the requirements of the MS4 General Permit, as these permits have different permit requirements and different standards. If a City owned facility has Industrial Permit coverage, the Small MS4 Permit may refer to the SWPPP of the Industrial Permit for the BMPs that address potential pollutants in storm water discharges from this facility. In the General Permit, please include City owned facilities that are within the boundaries of urban or urbanized areas.

Appendix A – Notice of Intent

Please include these facilities in the SWMP, or please submit to the RWQCB documentation that the updated SWPPPs for these facilities cover the entire facility and address the six Minimum Control Measures. This arrangement is subject to public review for 60 days via the internet and approval by the RWQCB. The Cater Water Treatment Plant is not covered by the General Industrial Storm Water Permit and is therefore not excluded from coverage under the MS4 General Permit.

Introduction (page 4)

Page 2 of the SWMP states,

"Public review process for the City's SWMP included the following actions:

1. Release of the draft SWMP for public review on February 28, 2003
2. Public meeting of the Creeks Restoration and Water Quality Improvement Citizens Advisory Committee on March 12, 2003 to review draft and solicit public comments
3. Release of final draft SWMP on June 11, 2003
4. Public meeting of the Creeks Restoration and Water Quality Improvement Citizens Advisory Committee on June 18, 2003 to review and recommend final SWMP
5. Santa Barbara City Council meeting on July 22, 2003 for Council consideration and approval prior to submittal to the RWQCB."

Regional Board staff appreciates the efforts that the City has taken to involve the public in the SWMP review process. However, Regional Board staff wants to point out that the SWMP review process also includes a 60 day posting of the accepted SWMP on the SWRCB website. Any member of the public that feels the SWMP does not fulfill the requirements of the General Permit, can request a public hearing before the Central Coast RWQCB.

Page 2 of the SWMP states,

"A Memorandum of Agreement Providing for Administration of the Santa Barbara Regional Storm Water Management Program (MOA) establishes the agreement for the co-permittee application."



Because the MOA is not included in the SWMP, it is unclear how the Santa Barbara Regional Storm Water Management Program will be administered. Please include the MOA in the revised SWMP.

Page 4 states,

"Overall there are four primary City Departments involved in activities related to storm water management including Public Works, Fire, Community Development and Parks and Recreation. The Public Works Department will coordinate the City's proposed SWMP."

The SWMP does not adequately describe which roles each of these departments play in implementing the storm water program. In the revised SWMP, please provide additional information regarding the roles and responsibilities each of these departments have in implementing the SWMP.

Minimum Control Measure 1: Public Education and Outreach (pages 5-7)

Section D; paragraph 2 (page 8) of the General Permit states,

"The Permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff."

Page 5 describes brochures that will be used by the City as BMPs for the Public Education and Outreach MCM. In the revised SWMP, please include the web addresses for these brochures.

Pages 5 and 6 of the SWMP describe types of community events that the City could participate on to provide public education opportunities on storm water impacts. In the revised SWMP, please include Measurable Goals that describe how many events the City will participate in each year.

Page 6 of the SWMP states,

"The City conducts storm water educational programs at summer camps throughout the City."

In the revised SWMP, please elaborate on the storm water educational programs the City implements at summer camps and include Measurable Goals for these programs.

Page 6 of the SWMP states,

"Business Outreach efforts includes the production and distribution of brochures and posters in Spanish and English that target restaurants, automotive services, construction contractors, and mobile cleaners. Brochures are distributed during site visits by City staff and Santa Barbara County Environmental Health Services restaurant inspectors."

The SWMP does not clearly describe how many of each type of facility City staff will inspect and which brochures will be distributed. In the revised SWMP, please include additional information for these BMPs and clear Measurable Goals that describe how the City will implement the business outreach efforts.

Page 7 of the SWMP states,



"The Parks and Recreation and Public Works Departments will be responsible for implementation of the Public Education and Outreach Minimum Control Measures. The City will also collaborate with the County of Santa Barbara, the Cities of Goleta and Carpinteria and local community organizations."

In the revised SWMP, please describe how the City will collaborate with these other municipalities on the Public Education and Outreach MCM. For example, please describe City involvement with the South Coast Watershed Resource Center.

Minimum Control Measure 2: Public Participation and Involvement (pages 8-10)

Section D; paragraph 2 (page 9) of the General Permit states,

"The Permittee must at a minimum comply with State and local public notice requirements when implementing a public involvement/participation program."

This section of the SWMP describes BMPs and Measurable Goals that the City of Santa Barbara will implement to satisfy the Public Participation and Involvement MCM.

Because Latinos account for ~35% of the City's population, outreach to the entire population should be an important aspect of the SWMP. In the revised SWMP, please describe in further detail how BMPs and Measurable Goals will be implemented to include the entire population of Santa Barbara.

Minimum Control Measure 3: Illicit Discharge Detection and Elimination (pages 11-18)

Section D; paragraph 2 (page 9) of the General Permit states,

"The Permittee must:

- 1) Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the regulated Small MS4;
- 2) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls;
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;
- 5) Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste..."

Specific comments by Regional Board staff regarding these 5 subcategories of the Illicit Discharge Detection and Elimination MCM are described as follows.

1) Develop, implement, and enforce a program to detect and eliminate illicit discharges

A table on page 15 of the SWMP lists potential illicit discharge sources including sewage and septic spills. Because the City recognizes leaking and poorly maintained septic systems could release nutrients and pathogens (bacteria and viruses) that can come in contact with storm water and be discharged into



nearby water bodies, the City receives copies of septic service inspection reports from County Environmental Health Services. The SWMP states that the Community Development Department, Building Division, follows up where corrections to the septic system may be required. In the Annual Reports, please summarize these activities.

3) Effectively prohibit non-storm water discharges

The Illicit Discharge Detection and Elimination MCM requires the implementation of an ordinance that prohibits non-storm water discharges into the MS4 and the implementation of enforcement procedures. Because the City is responsible for discharges to its storm drain system, the City needs to ensure that there may be consequences for those that discharge to these and other surface water bodies.

Page 13 of the SWMP states,

"The Santa Barbara Municipal Code (SBMC) provides enforcement authority for illicit discharges. Authority for detection and elimination of illicit dischargers and illegal connections are referenced or described in:

- SBMC Title 1 Administrative Code Enforcement Procedures
- SBMC Title 14 Water and Sewers, Natural Watercourses and Storm Drain System
- SBMC Title 16 Liquid and Industrial Waste Disposal "

Although brief descriptions of Titles 1, 14, and 16 are provided in the SWMP on pages 13-14, from the information provided, it is not clear whether existing ordinances meet the requirement of the Illicit Discharge Detection and Elimination MCM. Please provide a summary of the enforcement capabilities of the existing ordinances in the revised SWMP.

Additionally, the act of adopting an ordinance is a one-time only Measurable Goal. After adopting an ordinance, the municipality needs to measure the enforcement of the ordinance. The act of adopting an ordinance does not necessarily protect water quality, the act of enforcing an ordinance does. Regional Board staff wants to ensure that ordinances are sufficient and ensure City staff have the capability to pursue enforcement action in order to gain compliance and/or deter discharges to the storm drain system and other surface water bodies. Regional Board staff understands that ordinances will be reviewed in Year 1 of the General Permit and proposed revisions and necessary ordinance amendments will be developed by Year 2. By the end of Year 2, please ensure that all illicit discharges to the storm drain system and surface water bodies are prohibited by City ordinance.

4) Develop and implement a plan to detect and address non-storm water discharges

On page 12, the SWMP mentions that the public can report a problem related to water quality by calling the Project Clean Water Hotline at 1-877-OUR-OCEAN (1-877-687-6232). Regional Board staff commends the City for having a system in place for the public to report water quality problems. In the revised SWMP, please include a referral tree that explains which contacts and agencies handle water quality complaints to this number. In addition to the ways mentioned in the SWMP, Regional Board staff suggests that the City consider promoting this hotline number by prominently featuring it on future storm drain stenciling projects.

The SWMP does not give Measurable Goals for the types of facilities and number of inspections that will be conducted by various City agencies. Regional Board staff expects that the City will implement a vigorous program to inspect a wide variety of facilities that have the potential to discharge to the storm sewer system. In the revised SWMP, please include further information regarding the types of facilities



and number of inspections that will be completed by City agencies or through contracts and please describe how the City addresses storm water violations observed during inspections.

Additionally, please include detailed information of these activities in the Annual Reports submitted to the RWQCB. In addition to all normal reporting that is required by law, in the SWMP Annual Reports please include documentation of illicit discharges and illegal dumping incidents, including response actions taken by the City.

5) Inform public of the hazards that are generally associated with illegal discharges

On page 17, the SWMP states,

"The City Enforcement Officer monitors businesses and undertakes proactive enforcement by contacting targeted businesses in person and by mail with appropriate BMP information and technical assistance. These contacts may include inspection of facilities for illicit connections and/or staff BMP training."

The SWMP mentions various brochures that are available to educate the public regarding illicit discharges. Although Regional Board staff agrees that in many cases education can be an effective tool, education alone is clearly not always an effective means to prevent discharges and again points to the need for an enforceable ordinance.

This program element must include the education of employees, businesses, and the public about the hazards associated with illegal discharges and improper disposal of waste. While the City may intend to conduct such educational efforts through the public education program, efforts related to this MCM should be detailed in the SWMP.

Page 11 of the SWMP states that the permittee must,

"Address the following categories of non-storm water discharges or flows (i.e., authorized non-storm water discharges) only if the permittee identifies them as significant contributors of pollutants to the Small MS4:"

<i>Water line flushing</i>	<i>Irrigation water</i>
<i>Landscape irrigation</i>	<i>Springs</i>
<i>Diverted stream flows</i>	<i>Water from crawl space pumps</i>
<i>Rising ground waters</i>	<i>Footing drains</i>
<i>Potable water discharges</i>	<i>Lawn watering</i>
<i>Foundation drains</i>	<i>Individual residential car washing</i>
<i>Uncontaminated pumped ground water</i>	<i>Uncontaminated groundwater infiltration to separate storm sewers</i>
<i>Flows from riparian habitats and wetlands</i>	<i>Dechlorinated swimming pool discharges</i>
<i>Air conditioning condensation</i>	

The General Permit states that the above discharges must be addressed by the permittee where they are identified as significant contributors of pollutants to the Small MS4. Regional Board staff has concluded



that in certain situations the following discharges may contribute a significant source of pollutants or pose a threat to water quality standards:

- Water line flushing, potential presence of elevated levels of chlorine. The SWMP should address such discharges in accordance with the protocol established in our September 25, 2003, letter (see attachment).
- Dechlorinated swimming pool discharges, potential presence of elevated levels of bacteria and salinity.
- Rising ground water, uncontaminated groundwater infiltration, uncontaminated pumped ground water, foundation drains, water from crawl space pumps, and footing drains, potential presence of elevated levels of pollutants from sources such as leaking underground tanks and leaking sewage systems.
- Potable water sources, potential presence of elevated levels of pollutants associated with the uses of the water. One example is fire sprinkler flushing that can contain cutting oils and metal shavings when the system is new, and bacteria laden water when the system ages.
- Diverted stream flows, potential for the diversion activity to create the presence of elevated sediments.
- Landscape irrigation, irrigation water, and lawn watering, potential presence of elevated levels pesticides and fertilizers.

In the revised SWMP please describe how the City will address the above discharges, if found to be polluted. Regional Board staff is aware that City streets are regularly power washed by the Santa Barbara Downtown Association and that Title 16.15.030 of the City Code allows street wash water an exemption from discharge prohibitions to the storm drain system. As stated in the enclosed letter from Regional Board staff dated August 14, 2002, discharges of street wash water to the storm drain system are a violation of the Federal Clean Water Act, California Water Code, and the General Permit. Please ensure the revised SWMP includes BMPs to address the practice of power washing streets in Santa Barbara and prevent the discharge of wash water to the storm drain system. Additionally, please describe how the City will address future fire hydrant and water main flushing in the revised SWMP.

Minimum Control Measure 4: Construction Site Storm Water Runoff Control (pages 19-22)

Section D; paragraph 2 (pages 10-11) of the General Permit states,

"The Permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the Small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation of, at a minimum:

1. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State, or local law;
2. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;



3. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
4. Procedures for site plan review which incorporate consideration of potential water quality impacts;
5. Procedures for receipt and consideration of information submitted by the public; and
6. Procedures for site inspection and enforcement of control measures."

All construction sites that disturb greater than or equal to one acre are required to apply for and abide by the General Construction Permit, and the City is responsible for inspecting and enforcing requirements of the General Construction Permit. Page 20 of the SWMP states that the City is evaluating its requirements and regulatory authority and will develop and adopt new erosion control measures by Year 1. Please ensure that all requirements of the Construction MCM are fully implemented by the end of Year 1. Please ensure that the SWMP specifically states that the City will monitor construction sites, take enforcement activities when necessary and include the results in the Annual Reports.

On page 20, the SWMP states,

"The City recently completed a study to identify the range of erosion control measures including the types of BMPs, methods for application, design and installation (relative to project site size, location, and other considerations), and inspection and approval requirements."

In the revised SWMP, please include a web link to this study or the study itself, possibly as an appendix.

On page 21, the SWMP states,

"The City and the County of Santa Barbara developed a brochure, A Guide for Construction Contractors, available in English and Spanish, which is included with all permits (with a few categorical exceptions, such as the re-roofing of an existing structure) issued at the building counter. The Guide was designed to be a user friendly source of construction site management BMPs similar to those included in the Procedures. The procedures and guide are included in Attachment B to this SWMP."

There are not any attachments included with the SWMP. Please include all Attachments in the revised SWMP.

Minimum Control Measure 5: Post-Construction Storm Water Management (pages 23-25)

One of the most important ways to minimize future storm water runoff and pollution resulting from new developments and redevelopments, is effectively implementing post-construction design standards in the planning phase.

Section D; paragraph 2 (page 11) of the General Permit states,

"The Permittee must:



- 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Small MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts;
- 2) Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for your community;
- 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. For those Small MS4s described in Supplemental Provision E below, the requirements must at least include the design standards contained in Attachment 4 of this General Permit or a functionally equivalent program that is acceptable to the appropriate RWQCB; and
- 4) Ensure adequate long-term operation and maintenance of BMPs."

Because the City of Santa Barbara has a population of greater than 50,000, the SWMP requires the implementation of additional design standards. Section E; (page 13) of the General Permit states,

"Those regulated traditional and non-traditional Small MS4s serving a population over 50,000 or that are subject to high growth (at least 25 percent over ten years) must comply with the requirements in Attachment 4 of this General Permit."

These additional standards are detailed in Attachment 4 of the Permit that can be found on the web at the following link.

http://www.swrcb.ca.gov/stormwtr/docs/final_attachment4.pdf

The City of Santa Barbara is listed as having 90,500 inhabitants in the Notice of Intent (NOI) but the SWMP does not include design standards that are directly related to Attachment 4 of the General Permit. The City proposes to develop Post-construction BMP design standards and guidelines to provide water quality protection at new developments and redevelopments per Attachment 4 of the General Permit by the end of Year 2. Please ensure the City meets or exceeds all requirements for the Post-construction MCM by the end of Year 2.

On page 23, the SWMP states,

"The City's discretionary permit review process provides the opportunity to require new development and redevelopment projects to include post-construction storm water BMPs where appropriate. The typical conditions that trigger post-construction BMP requirements are: project size; 10 or more parking spaces; adjacency to creek, ocean or other drainage channel; commercial or industrial use. The BMP design must take into account the anticipated pollutant load, site features and constraints, and must be sized appropriately."

In order to address the Post-construction MCM, please describe what thresholds the City of Santa Barbara uses to trigger post-construction BMP requirements. For example, does the project need to be greater than 1 acre or does the project need to be directly adjacent to a creek before the City requires the project to implement Post-construction BMPs? Additionally, please describe how the City of Santa Barbara is



going to address the Post-construction MCM through an ordinance. By the end of Year 1, Regional Board staff expects an ordinance will be adopted that has the goal of reducing or eliminating runoff from new developments and redevelopments.

On page 23, the SWMP states,

"Storm water detention or retention requirements are imposed on projects in areas with known drainage issues. The applicant is usually given the option of upgrading the drainage system to accommodate the increased discharge, or to retain the post-development runoff onsite. As a result of this review process, completed projects now contain features that control for polluted runoff into the watershed, such as vegetated buffers, permeable surface, bio swales, infiltration trenches and pollution interceptors."

Regional Board staff appreciates that the review process currently requires newly completed projects to incorporate post-construction BMPs. However, the text above appears to give the impression that an option exists for increasing the size of drainage systems instead of maximizing the use of permeable surfaces on site. One of the goals of the Phase II Post-construction MCM is to encourage redevelopment projects to have less runoff than the pre-existing project. For example, whenever possible, redevelopments should not be allowed to have the status quo runoff of the existing development. Instead projects should be encouraged to replace impermeable surfaces and result in redevelopments that are generally more permeable than pre-existing projects. Please ensure that BMPs for redevelopment projects implement volumetric and/or flow-based treatment control design standards as contained in Attachment 4 of the General Permit. Please ensure that the revised SWMP includes language that specifically states that new developments and redevelopments will maximize infiltration onsite and minimize runoff to storm drains and surface water bodies.

The SWMP names the Public Works Department and Community Development Department as the responsible parties for implementing the Post-construction MCM. The SWMP does not adequately describe when the Public Works Department or the Community Development Department are the responsible agency for implementing the Post-construction MCM design standards. In the revised SWMP, please further explain the roles that these two departments share in implementing the Post-construction MCM. Specifically, please describe who has the final authority to decide design characteristics on which types of projects.

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping for Municipal Operations (pages 26-27)

In several cases the BMPs and Measurable Goals proposed under the Pollution Prevention/Good Housekeeping for Municipal Operations MCM are unclear and do not meet the requirements of the General Permit.

Section D; paragraph 2 (page 12) of the General Permit states,

"The Permittee must:

1. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
2. Using training materials that are available from U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance,



fleet building maintenance, new construction and land disturbances, and storm water system maintenance.”

The SWMP does not mention specific BMPs that are implemented by the City of Santa Barbara such as street sweeping. In the revised SWMP, please include BMPs the City implements to prevent pollutants from entering the storm drain system. For example, please describe the frequency and location of street sweeping in the City?

Monitoring Progress and Reporting (pages 28-29)

Regional Board staff appreciates the table in this section. Please revise BMPs and Measurable Goals as discussed earlier in this letter and include these revisions in an updated table.

We appreciate the time City of Santa Barbara invested in preparing the SWMP. An approved SWMP is required to have General Permit coverage and we will work diligently with you to develop an “approvable” SWMP in a timely manner. Regional Board staff would like to highlight that projects included in a SWMP may be more competitive in receiving future grant funding. Established ranking criteria for grant funding gives higher credit to projects that are included in an overall watershed management plan, such as a SWMP, over an identical project that is not included in a SWMP and/or a Watershed Plan.

Please respond to our concerns and revise the City’s SWMP accordingly. By February 25, 2005, you are required to submit a revised SWMP showing additions and deletions in underline and ~~strikethrough~~ format, respectively. All submitted materials must be provided in hard copy and electronic format (MS Word).

This information is required pursuant to California Water Code Section 13267 to determine compliance with permit requirements. Evidence that supports requesting this information includes the SWMP submitted on July 22, 2003. Failure to address our questions/comments and submit a revised SWMP by the date prescribed above may result in formal enforcement action pursuant to California Water Code Section 13268.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with California Water Code Section 13320, and Title 23, California code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, within 30 days of the date of this letter. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions, please call **Peter von Langen at (805) 549-3688** or Jennifer Bitting at (805) 549-3334.

Sincerely,



Roger W. Briggs
Executive Officer



cc:

Victor Acosta
El Estero Treatment Plant
520 E. Yanonali St.
Santa Barbara, CA 93103

John Bridley
City of Santa Barbara, Waterfront Department
Post Office Box 1990
Santa Barbara, CA 93102

Chuck Logan
Santa Barbara City Municipal Airport
601 Firestone Road
Goleta, CA 93117

Kira Schmidt
Santa Barbara Channelkeeper
714 Bond Street
Santa Barbara, CA 93103

Hillary Hauser
Heal the Ocean
P.O. Box 90106
Santa Barbara, California 93190

Anjali Jaiswal
Natural Resource Defense Council
1314 Second Street
Santa Monica, CA 90401

File: Storm Water 3 42 MS03023

Filename and path: S:\Storm Water\Municipal\Santa Barbara Co\Phase II letters\City of Santa Barbara\City of Santa Barbara SWMP .doc

Task: Storm Water Report Review

Enclosure: September 25, 2003, Proper Disposal of Water Supply System Flushing Letter

August 14, 2002 Wastewater Discharges Associated with Maintenance Activities Letter





California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397



Gray Davis
Governor

August 14, 2002

Jill Zachary
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102

WASTEWATER DISCHARGES ASSOCIATED WITH MAINTENANCE ACTIVITIES

Dear Ms. Zachary:

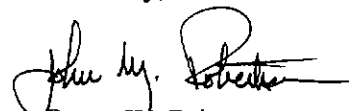
There are a number of maintenance activities involving the discharge of wastewater that are becoming commonplace in most communities. These include power washing, steam cleaning, and hand scrubbing of areas such as sidewalks, gutters, outdoor eating areas, building facades, trash receptacles, kitchen mats and racks, and driveway areas immediately adjacent to retail facilities. Unfortunately, much of the wastewater generated by these activities is being allowed to enter storm drains and ultimately waters of the state. We recognize that cleaning is necessary for health, safety, and aesthetics. However, the present common method of disposing of the resulting wastewater to the storm sewer system must be eliminated. Such practices will degrade the receiving water and are in violation of the California Water Code and the Federal Clean Water Act.

We are asking all entities that are or may be involved with wash down activity to curtail the practice. We encourage the practices of picking up, sweeping up, and spot cleaning as environment-friendly alternatives to washing down. If wash down is the chosen method, the resulting wastewater must be captured and disposed of in a sanitary sewer or other acceptable disposal area.

Beginning March 10, 2003, many municipalities will be required to obtain NPDES Phase II Storm Water Permit coverage for their municipal separate storm sewer system (MS4). The discharge of wastewater to the MS4 will be a violation of that Phase II permit. Phase II municipalities must address this issue in their Storm Water Management Plan. Because this discharge is a threat to water quality, the discharge must be eliminated in all municipalities regardless of population.

If you have any questions or would like to discuss this matter, please call Peter VonLangen at (805) 549-3688 or Jennifer Bitting at (805) 549-3334.

Sincerely,


FOR Roger W. Briggs
Executive Officer

File S:/StormWater/PowerWash-GenericDoc-August02

California Environmental Protection Agency



Recycled Paper



California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397



Gray Davis
Governor

September 25, 2003

Central Coast Water System Managers and Operators:

RE: PROPER DISPOSAL OF WATER SUPPLY SYSTEM FLUSHING

Although water supply system flushing is often considered benign, chlorine, even in the small concentrations found in drinking water, may be toxic to aquatic life. Federal and State law prohibits discharge of chlorine to surface waters (storm drains, creeks, etc.). For these reasons, water supply system flushing must be dechlorinated. Several devices are available that are designed specifically to dechlorinate water supply system flushing. We strongly encourage every water supplier to employ such devices.

Discharge of water supply system flushing is regulated in two ways in the Central Coast Region, depending where the water is disposed. Discharge to surface waters requires a National Pollutant Discharge Elimination System (NPDES) Permit. The Central Coast Region has a General NPDES Permit for Low-Threat Discharges that addresses water supply system flushing. Every water supplier that discharges water supply system flushing to surface waters must seek coverage under the General NPDES Permit. You may access the General NPDES Permit online at www.swrcb.ca.gov/rwqcb3/Permits/Index.htm to learn how to become covered.

Regulation of water supply system flushing to land may be waived. In order to be waived, the following conditions must be met:

- a. The discharger shall implement appropriate management practices to dissipate energy and prevent erosion.
- b. The discharger shall implement appropriate management practices to fully contain flush water on land (such as construction of a temporary detention basin) and preclude discharge to surface waters. The discharger shall immediately notify Regional Board staff of any discharge to surface waters or drainages to surface waters.
- c. The discharge shall not have chlorine or bromine concentrations that could impact groundwater quality.
- d. The discharge area shall not be within 100 feet of a stream, body of water, or wetland.

We appreciate your efforts to protect water quality and we look forward to working with you. Please feel free to contact us anytime. Your appropriate contact is:

Santa Cruz County:	Todd Stanley, (805) 542-4769
Monterey County:	Ryan Lodge, (805) 542-4642
Monterey Peninsula, Carmel Valley, and Big Sur Coast:	Matt Thompson, (805) 549-3159
South Santa Clara County:	Kimberly Gonzalez, (805) 549-3150
San Benito County:	Matt Keeling, (805) 549-3685

Sincerely,

Original Signed by E. Gobler for

Roger W. Briggs
Executive Officer

S:\WB\Coastal Watershed\Staff\MThompson\Other\Water Supply Flushing.doc

California Environmental Protection Agency



Recycled Paper